IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE BILAL NAZKI

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WRIT PETITION No.5719 of 1995

Between:

1. Appanna Ramana Rao, S/o. Suranna, Hindu,

Aged 55 years, Agriculture, Resident of
Chintur Post and Mandal, Khammam District.
2. Appanna Veera Babu, S/o. Suranna, Hindu,
Aged 40 years, Agriculture, Resident of

Chintur Post and Mandal, Khammam District.

... PETITIONERS

AND

1. The Commissioner of Survey, Settlements & Land Records,
Government of Andhra Pradesh, Nampally,
Hyderabad.
2. The Director of Settlements , Government of Andhra Pradesh,
Gagan vihar, Nampally, Hyderabad.
3. The Settlements Officer,
Bhadrachalam, Khammam District.
4. The Mandal Revenue Officer,
Chintur (M), Khammam Dist.
5. Neela Satyavathi, W/o. late Subba Rao,

Aged 48 years, Proprietor of M/s.Navayuga Touring Talkies,

Chintur, R/o. Koonavaram, Khammam District.
5th respondent is impleaded as per court order

Dated 17.7.95 in W.P.M.P.No.15250/95.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or orders, direction or directions and more particularly in the nature of writ of Mandamus declaring that the orders of the Respondents 1 to 3 as made in case Nos. File No. L1/979/83,A.P.No.672/79, S.R.No.2479/77 respectively rejecting the claim of patta in favour of the petitioners with regards to land admeasuring 0-53 Hectares (Acre 1-33 cents) in Resurvey No.83/8, situated at Chintur post and Mandal, Khammam District are illegal, contrary to Law and evidence, arbitrary, mala fide and much against to the principles of the natural justice and the provisions of Regulation 2 of 1970 and consequently direct the respondents to grant patta with regards to the above land in favour of the petitioners in the interest of justice, equity and good conscience.

Counsel for the Petitioners: MR.PALIVELASATYARAJA BABU

Counsel for the Respondent Nos.1 to 4: G.P. FOR REVENUE

Counsel for the Respondent No5: MR. MADDUKURI SUBBA RAO

The Court made the following:

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ORDER:

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Writ petition has been filed challenging the orders of the first respondent and other respondents. The case of the petitioner was that he came into possession, as a tenant of the suit land, ten years prior to 1970. Three authorities have considered the issue and all the three authorities have come to a conclusion that the petitioner was not in possession of the land eight years prior to coming into force of the A.P. Scheduled Areas Ryotwari Settlement Regulation, 1970 ('the Regulations' for brevity). In accordance with 7 (a) of the Regulations, a person who was in possession or occupation of the land for a continuous period of not less than eight years immediately before the commencement of this Regulation was entitled to a Ryotwari patta. Since three authorities below have come to the conclusion that the petitioner was not in possession of the land for eight years prior to enforcement of

Regulations, he is not entitled to a Ryotwari patta. Therefore, I do not find any ground to interfere in the matter. The petitioner relied on some agreement, which had been executed by Izaradar in his favour, in the year 1964. In this view of the matter, no interference is called for.

The writ petition is dismissed. No costs.

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Date: August 26, 2004. **BILAL NAZKI, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Survey, Settlements & Land Records,
   Government of Andhra Pradesh, Nampally,
   Hyderabad.
2. The Director of Settlements, Government of Andhra Pradesh,
   Gagan vihar, Nampally, Hyderabad.
3. The Settlements Officer,
   Bhadrachalam, Khammam District.
4. The Mandal Revenue Officer,
   Chintur (M), Khammam Dist.
5. Two CCs to the Government Pleader for Revenue,

High Court of Andhra Pradesh, Hyderabad (O.U.T)

6. Two C.D. Copies.